

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN THE MATTER OF)
)
RESSESSMENT OF FEDERAL COMMUNICATION)
COMMISSION RADIO FREQUENCY EXPOSURE) ET DOCKET NO. 13-84
LIMITS AND POLICIES)
)
PROPOSED CHANGES IN THE COMMISSION'S)
RULES REGARDING HUMAN EXPOSURE TO) ET DOCKET NO. 03-137
RADIOFREQUENCY)
ELECTROMAGNETIC FIELDS)

To: Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Comments Filed Jointly by:

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AFFIDAVIT(S) OF Don M. Powers and G. Kay Powers

State of Oklahoma, Oklahoma County, USA

I, Don M. Powers, attest that my statements are true to the best of my knowledge.

I, G. Kay Powers, attest that my statements are true to the best of my knowledge.

Comments for FCC ET Docket No. 013-84 and ET Docket No. 03-137

1. My name is Don M. Powers. My address is 1420 Bond Street, Edmond, OK 73034-4123, USA. My name is G. Kay Powers. My address is 1420 Bond Street, Edmond, OK 73034-4123, USA.

2. We are attorneys and our address is the address of our practice which serves the entire state of Oklahoma. Dr. G. Kay Powers is a mathematician by education and training as well as an attorney. We are providing comment to back up the expert testimony, of the many experts you are sure to have respond, with information on how the current standards do not protect biological life.

3. Our comments and observations come from the work that we do with our clients, our knowledge about their medical conditions, what they have to do to protect themselves, what works for protection and what does not work, and why micro-wave radiation is the source of their problems.

4. Based on our experience to date, there is, in reality at this time, nowhere that our clients can go to receive due process of law for the harm that is occurring to them due to the exposure to micro-wave radiation. Based on the FCC standards, our clients are not hurt, therefore there is no remedy. But the science of this subject now has enough data to show that there is harm to people exposed to EMR. Twenty years ago it could not be foreseen that people would be immersed today in a fog of electromagnetic radiation that would mean exposure 24/7 to many frequencies covering the spectrum of wireless equipment that now exists. Scientifically, while we know that it is harmful to have exposure today, as a society we do not understand the effect on us as individual biological beings of exposure to frequency "A" at the same time we are receiving frequency "B" or more, which also would be in conjunction with exposure to frequency "X" all at the same time. While any one of the frequencies on its own can cause a number of biological effects, what the combination does to us as biological beings could be much worse and is unknown, except through the impact on people who have suffered from irradiation. For that reason we are responding to your request for public comment.

5. Background: (We support and adopt the language used by medical/science journalist B. Blake Levitt and Research Professor Emeritus of Bioengineering at the University of Washington, Seattle, Henry C. Lai, from their Affidavit submitted as comment for these proceedings.)

"On March 29, 2013, the FCC issued an Order, Notice of Proposed Rulemaking (NPRM) and a Notice of Inquiry (NOI) as a single document (13-39) in response to the July 2012 report from the Government Accountability Office GAO which recommended, among other things, that the Commission:

- Reassess the current FCC radiofrequency radiation (RFR) exposure limits, including its effects on human health; the costs/benefits in keeping the current limits; to seek the opinions of relevant health/safety agencies; and to change the limits if determined necessary.
- Reassess whether the current mobile phone testing requirements, given new technologies and different use patterns, do in fact result in the identification of maximum RF energy exposures, especially when mobile phones are held against the body – the head in particular -- and to update testing requirements if determined necessary.

The NPRM proposes to standardize all criteria for frequency, power density, and antenna separation in order to determine whether a facility or device should be exempt from routine evaluation for harm to the human body. This would do away with the current categorical exclusions. The NPRM also discusses distinctions between general population and occupational RFR exposure and proposes new requirements for signs and barriers at transmitter sites.

The NOI addresses three areas: the propriety of existing standards and policies; possible options for precautionary exposure reduction; and possible improvements to the equipment authorization process and policies as they relate to RF exposure.

The first two points address whether thermal damage (tissue-overheating), which is the current focus of FCC standards, is the only RFR risk, or whether other human health damage can be caused by chronic exposures with cumulative effects over longer periods of time. This is the first time in 17 years that the FCC has looked at the adequacy of its thermal-based RFR-exposure standards to protect human health. The FCC is admittedly not expert in the subject and defers to other agencies and professional organizations.

Nevertheless, FCC is charged by law with adopting and enforcing RF exposure safeguards. The rationale and overall model is therefore critical for biological accuracy. Toward that end, FCC has called upon better-informed agencies such as the Environmental Protection Agency (EPA) for opinions on ambient exposures, and the Food and Drug Administration (FDA) for opinions on consumer products, as well as industry groups like the International Electrical and Electronics Engineers (IEEE) which has a financial stake in relaxed regulation, as well as the knowledgeable public for input on key areas of concern. Unfortunately, programs within EPA for this kind of research and policy-making have been almost completely defunded, leaving few there to render a considered opinion; and FDA's funding has also been reduced. This, in effect, leaves industry groups with the most clout.

The FCC expresses confidence in the current thermal-only basis, but acknowledges that with the rapid proliferation of wireless devices over the years, as well as the ubiquity of antennas needed for supportive infrastructure, and the new technological designs that allow much closer-to-the-body operation and medical implantation, that a new review is in order. The GAO report expressed similar confidence in the current methodology. This is in stark opposition to most current data, and the direction that many other countries are taking regarding precautionary approaches.

Neither these authors, nor many expert members of the international research community, harbor the same confidence in such narrowly defined standards, which are premised upon understanding underlying biological mechanisms. Many now think that, given the peer-reviewed literature published since 1997 that setting an exposure threshold should [be] based mainly on the knowledge at which level biological/health effects are observed, and not on the mechanism of the effects. Most of that research has come from outside of the U.S, including the recent classification of RF fields as a 2B (possible) carcinogen by the International Agency for Research on Cancer (IARC) at the World Health Organization (WHO). Indeed hundreds of studies have found biological/health effects at orders of magnitude below the current FCC thresholds. The changes regarding SAR allowances for the pinna (ear), as well as possible new setbacks from products and infrastructure, and potential new classifications that would supplant categorical exclusions, go nowhere near far enough in protecting public health and, in some areas, may serve to increase exposures to the general population. "

Levitt & Lai, Affidavit, August 24, 2013 (FCC 13-39)

6. Technical Sources for our position:

While we are not technical personnel, we do understand what Levitt and Lai were communicating and are in agreement with the technical literature that shows there is biological damage occurring from current levels of exposure to EMR. We would like the FCC to give serious consideration, in their new exposure limits and other rule making, to the work expressed in the Bioinitiative Report of 2012 (Summary Analysis by Ronald M. Powell, PhD) and the subjects covered in a letter from Mr. Norbert Hankin, the EPA Center for science and Risk Assessment, Radiation Protection Division, in 2002. These documents are attached as Exhibit 1 and Exhibit 2, respectively.

7. Experience with Clients:

Presently, our firm has eight clients from five different Oklahoma counties who have significant problems that warrant legal action. In all cases, the clients were not having problems prior to the introduction into their environment of the "smart meter." The inundation of EMR in their environment, from all the sources and different frequencies operated by a Utility using a mesh grid Wi-Fi system to implement "smart meters" has been enough to generate acute symptoms.

In one case, after only twenty-four hours of exposure the client was taken to the hospital with a nose bleed. This client has been forced to sell her home and is seeking an area where she can live without wireless smart-meters or other devices. Another client is in a similar status. She needs to sell her home to escape the radiation caused by the "smart-meter." For now they are trying to live while experiencing, sleeplessness, brain fog (mental disorientation), and nearly all the symptoms that can occur with Electromagnetic Sensitivity. Yet another client is fighting back, trying to stay and utilize his property even under the threat that the Utility will shut off his power. He is fighting the irradiation he receives from the "smart meter" on his house and those of his neighbors, the collectors for the system and the other pieces of the system that flood his environment with EMR.

To protect themselves, our clients have been forced to live like animals, in cages. These are faraday cages, which are grounded and provide some protection from the EMR while the clients sleep. The body has to have some place for rest and repair or it cannot survive this present level of assault.

The intrusion into the home of wireless signals, which are not requested and not warranted by the home/property owner and that are strong enough to cause biological damage, is truly an assault and battery upon the person and his family. It is the same as if the Utility Company sent thugs over with baseball bats to beat the rate-payer. He has received a beating without permission.

Our clients have tried various devices to protect themselves from the radiation: Putting lead shielding under and around the meter, screening the house on the outside with wire screen and grounding it, purchasing clothing designed to shield from EMR, and using faraday cages. People should not, and do not, have to live this way to receive power or anything from a Utility. Wireless installation of "smart meters" should be banned outright. They can be adequately installed with no danger, other than the Fourth Amendment of the U.S. Constitution danger to privacy, by wire or fiber optic. If the FCC cannot come up with an exposure limit that protects everyone in our society, then the FCC has a duty to ban that which does not protect a person from exercising his constitutional civil right to enjoy life, liberty and the pursuit of happiness. Today, people's lives are being destroyed by EMR from "smart meters" and the FCC has a chance to do something about it, and is urged to do so. As a government agency the FCC has a duty to protect the people not to protect the industry which misuses these devices and radiates everyone.

Our firm is aware of at least two homes in the Edmond area that have burned because of "smart meters." A fire death is reported to have occurred in California from a "smart meter." The fire hazard from these meters must be reviewed. Additionally, the quality and training of the individuals who are installing "smart meters" under load, which we believe to be an FCC violation, should be reviewed and audited. We are also aware that utilities are clustering "smart meters" in residential and apartment areas, we believe this action violates some of the FCC rules relative to antenna placement and ability of persons to come near to the antenna. This practice should be reviewed and the FCC should audit utilities that are using these wireless devices to see that they are following the rules and not unnecessarily endangering people.

8. Conclusion/Recommendations for the FCC:

- Ban wireless implementation of "smart meters," until such time as science can protect all of society exposed to any of the radiation.
- Lower all wireless exposure levels in accordance with the "Bioinitiative Report 2012"

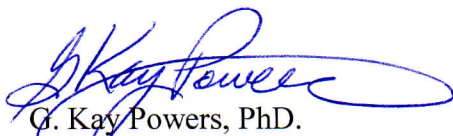
- Establish a due process mechanism for people injured by exposure to EMR from any source that has irradiated them to the point that their health has been damaged.
- Insure that all FCC exposure standards are set by sound science that protects biological life and are not just temperature based.
- Ban the industries associated with EMR (Utility, telecommunications, etc.) from using in-house or hired consultants to prove that their particular systems are safe. Require that they put up the money for an independent study by scientists who are not controlled by the industry.
- Ban Wi-Fi in schools and colleges, until such time as science can show that the technology is safe for everyone.
- Implement guidelines that prevent cell towers from being installed near Churches, Schools, hospitals, densely populated business buildings or residential areas.
- Smart appliances should be optional, not this or else, or at a minimum the smart device should be able to be turned off by the consumer, with no interference with the appliance's ability to work.
- A study of the fire hazards from "smart meters" should be performed, and the FCC should evaluate whether or not Utility Companies use properly trained people to install such meters.

Respectfully submitted,
September 2, 2013



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Exhibits:

1. "Analysis of the Bioinitiative 2012 Report" by Ronald M. Powell, PhD
2. "EPA Letter" by Norbert Hankin